

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-18 remain pending, wherein claims 2 and 14 have been amended.

Initially, Applicant notes with appreciation the Examiner's indication that claims 9-12 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In the second paragraph of the Office Action, the drawings are objected to under 37 C.F.R. § 1.83(a). In the third paragraph of the Office Action, claims 4 and 8 are rejected under 35 U.S.C. § 112, first paragraph as allegedly lacking enablement. In the fourth paragraph of the Office Action, claim 16 is rejected under 35 U.S.C. § 112, first paragraph, as allegedly not being enabling. These grounds of objection and rejection are respectfully traversed.

The objection to the drawings and the rejection to claims 4, 8 and 16 appear to be based upon an assertion that the claims recite stoppers being on both the flexure elements and on the substrate. It appears that these objections and rejections are based upon an interpretation of Applicant's claims 2 and 14 as reciting that the stoppers fixed on the substrate. Applicant respectfully submits that it is clear that claims 2 and 14 do not specify whether the stoppers are located on the repulsive elements or on the substrate, but instead recite that the *static elements* are fixed on the substrate. Claims 2 and 14 have been amended to clarify that these claims recite the static elements being fixed on the substrate.

Since this amendment merely clarifies what was originally recited in claims 2 and 14, it is respectfully submitted that this amendment is not a limiting amendment. Moreover, it is respectfully submitted that the clarification provided by these amendments addresses the objection to the drawings and the rejection of claims 4, 8 and 16 for lack of enablement.

Additionally, Applicant respectfully submits that the rejection for lack of enablement is improper. As discussed in MPEP § 2164.01, the test for enablement is whether the disclosure as filed contained sufficient information to enable one skilled in the art to make and use the invention without undue experimentation. The present application describes having repulsive elements located on the substrate and it describes repulsive elements being located on the flexure elements. In view of these disclosures, it is respectfully submitted that one of ordinary skill in the art, in view of Applicant's disclosure as filed, could have made and used a device in which repulsive elements are located on both the flexure elements and the substrate.

For at least those reasons stated above, it is respectfully requested that the objection to the drawings and the rejection of claims 4, 8 and 16 for lack of enablement be withdrawn.

Claims 1, 5, 13 and 17 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,486,425 to Seki ("Seki"). Claims 2, 3, 6-8, 14 and 15 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Seki. These grounds of rejection are respectfully traversed.

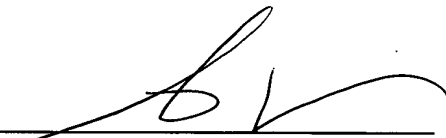
Seki does not render Applicant's claims 1-3, 5-8, 13-15 and 17 unpatentable because Seki is not prior art with respect to the present application. Specifically, Seki has a filing date of March 30, 2001. Applicant has submitted a claim for foreign priority to Korean Application No. 2001-9955 filed on February 27, 2001. To perfect Applicant's claim for foreign priority, enclosed please find a translation of the certified copy of Applicant's priority document. Applicant respectfully requests that the Examiner complete perfection of Applicant's priority by confirming that the priority document satisfies the requirements under 35 U.S.C. § 112. Since Applicant has perfected their foreign priority date which is earlier than the filing date of Seki, it is respectfully submitted that Seki cannot render Applicant's claims 1-3, 5-8, 13-15 and 17 unpatentable. Accordingly, withdrawal of these rejections are respectfully requested.

All outstanding objections and rejections having been addressed, it is respectfully submitted that the present application is in immediate condition for allowance. Notice to this effect is earnestly solicited. If there are any questions regarding this response, or the application in general, the Examiner is encouraged to contact the undersigned at 703-838-6578.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: 11/5/03

By: 
Stephen W. Palan
Registration No. 43,420

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620